

STAYED,TYPE I-FOIA

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:15-cv-01461-TJK**

LOCASCIO v. FEDERAL BUREAU OF INVESTIGATION, et al.  
Assigned to: Judge Timothy J. Kelly  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/08/2015  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****FRANK LOCASCIO**

represented by **Ruth M. Liebesman**  
RUTH M. LIEBESMAN, ESQUIRE  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**FEDERAL BUREAU OF  
INVESTIGATION**  
*U.S. Department of Justice*

represented by **Jeremy S. Simon**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**UNITED STATES DEPARTMENT OF  
JUSTICE**

represented by **Jeremy S. Simon**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 09/08/2015 | <u>1</u> | COMPLAINT against FRANK LOCASCIO ( Filing fee \$ 400 receipt number 0090-4235920) filed by FRANK LOCASCIO.(Liebesman, Ruth) (Attachments: # <u>1</u> Civil Cover Sheet) (Entered: 09/08/2015)   |
| 09/08/2015 | <u>2</u> | ADDITIONAL ATTACHMENTS re <u>1</u> COMPLAINT : (Attachments: # <u>1</u> Exhibit A: Letter Atty Nargi to FBI dated 8/25/2014, # <u>2</u> Exhibit B: Letter FBI to Atty Nargi 8/27/2014 opening case, # <u>3</u> Exhibit C: Letter FBI to Atty Nargi dated 11/18/2014 denying FOIA request, # <u>4</u> Exhibit D: Appeal Letter dated 1/8/2015 to Director of Office Information Policy US DOJ, # <u>5</u> Exhibit E: Letter Office of Information Policy to Nargi 1/29/2015 acknowledging receipt of appeal, # <u>6</u> Exhibit F: Denial of Appeal 4/14/2015, # <u>7</u> Exhibit G: Books and iBooks with Gotti Tape transcripts)(Liebesman, Ruth) Modified on 9/8/2015 (jf). (Entered: 09/08/2015) |
| 09/08/2015 |          | Case Assigned to Judge Rudolph Contreras. (md) (Entered: 09/08/2015)  |
| 09/08/2015 |          | SUMMONS Not Issued as to FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (SUMMONS WERE NOT FILED AT THE TIME COMPLAINT WAS FILED) (md) (Entered: 09/08/2015)  |

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| 09/09/2015 | <u>3</u>  | REQUEST FOR SUMMONS TO ISSUE <i>TO THE FEDERAL BUREAU OF INVESTIGATION</i> by FRANK LOCASCIO filed by FRANK LOCASCIO.(Liebesman, Ruth) (Entered: 09/09/2015)   |
| 09/09/2015 | <u>4</u>  | REQUEST FOR SUMMONS TO ISSUE <i>TO THE UNITED STATES DEPARTMENT OF JUSTICE</i> by FRANK LOCASCIO filed by FRANK LOCASCIO.(Liebesman, Ruth) (Entered: 09/09/2015)   |
| 09/10/2015 | <u>5</u>  | SUMMONS (2) Issued Electronically as to FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Notice and Consent)(znmw) (Entered: 09/10/2015)   |
| 09/25/2015 | <u>6</u>  | REQUEST FOR SUMMONS TO ISSUE <i>to FBI with corrected docket number</i> ) by FRANK LOCASCIO filed by FRANK LOCASCIO.(Liebesman, Ruth) (Entered: 09/25/2015)  |
| 09/25/2015 | <u>7</u>  | REQUEST FOR SUMMONS TO ISSUE <i>on DOJ with corrected docket no.</i> by FRANK LOCASCIO filed by FRANK LOCASCIO.(Liebesman, Ruth) (Entered: 09/25/2015)   |
| 09/25/2015 | <u>8</u>  | REQUEST FOR SUMMONS TO ISSUE <i>on FBI (2nd corrected docket no)</i> by FRANK LOCASCIO filed by FRANK LOCASCIO.(Liebesman, Ruth) (Entered: 09/25/2015)   |
| 09/28/2015 | <u>9</u>  | SUMMONS (2) Reissued Electronically as to FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE (znmw) (Entered: 09/28/2015)  |
| 10/15/2015 | <u>10</u> | ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/30/2015. Answer due for ALL FEDERAL DEFENDANTS by 10/30/2015. (Liebesman, Ruth) Modified on 10/16/2015 (znmw). (Entered: 10/15/2015) |
| 10/15/2015 | <u>11</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 9/30/2015 (Liebesman, Ruth) (Entered: 10/15/2015)   |
| 10/16/2015 | <u>12</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF JUSTICE served on 9/30/2015. (znmw) (Entered: 10/16/2015)   |
| 10/16/2015 |           | NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry <u>10</u> Summons Returned Executed in FOIA as to U.S. Attorney was entered in error and has been refiled as Docket Entry <u>12</u> Summons Returned Executed as to Federal Defendant. (znmw) (Entered: 10/16/2015)   |
| 12/11/2015 | <u>13</u> | REQUEST FOR SUMMONS TO ISSUE filed by FRANK LOCASCIO.(Liebesman, Ruth) (Entered: 12/11/2015)   |
| 12/14/2015 | <u>14</u> | SUMMONS (1) Issued Electronically as to U.S. Attorney. (znmw) (Entered: 12/14/2015)  |
| 12/29/2015 | <u>15</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/17/2015. Answer due for ALL FEDERAL DEFENDANTS by 1/16/2016. (Liebesman, Ruth) (Entered: 12/29/2015)   |
| 01/19/2016 | <u>16</u> | ANSWER to Complaint by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE.(Simon, Jeremy) (Entered: 01/19/2016)  |
| 01/19/2016 |           | MINUTE ORDER: It is hereby ORDERED that the parties shall meet and confer and submit a proposed briefing schedule on or before February 2, 2016. SO ORDERED. Signed by Judge Rudolph Contreras on 01/19/2016. (lcrc2) (Entered: 01/19/2016)  |
| 01/22/2016 |           | Set/Reset Deadlines: Meet & Confer Statement due by 2/2/2016. (tj) (Entered: 01/22/2016)   |

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| 02/02/2016 | <u>17</u> | Joint STATUS REPORT <i>by the Parties and Proposed Schedule</i> by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 02/02/2016)   |
| 02/02/2016 |           | MINUTE ORDER: Upon consideration of <u>17</u> the Parties' Joint Status Report, it is hereby ORDERED that the parties shall file a status report on or before March 18, 2016. SO ORDERED. Signed by Judge Rudolph Contreras on 02/02/2016. (lcrc2) (Entered: 02/02/2016)   |
| 02/04/2016 |           | Set/Reset Deadlines: Status Report due by 3/18/2016. (tj) (Entered: 02/04/2016)  |
| 03/17/2016 | <u>18</u> | Joint STATUS REPORT <i>of the Parties</i> by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 03/17/2016)   |
| 03/17/2016 |           | MINUTE ORDER: Upon consideration of <u>18</u> the Parties' Joint Status Report, it is hereby ORDERED that the parties shall file a joint status report on or before April 18, 2016. SO ORDERED. Signed by Judge Rudolph Contreras on 03/17/2016. (lcrc2) (Entered: 03/17/2016)   |
| 03/18/2016 |           | Set/Reset Deadlines: Status Report due by 4/18/2016 (tj) (Entered: 03/18/2016)   |
| 04/18/2016 | <u>19</u> | Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 04/18/2016)   |
| 04/18/2016 |           | MINUTE ORDER concerning <u>19</u> the Parties' Joint Status Report: It is hereby ORDERED that the parties shall meet and confer and submit a proposed motion for summary judgment briefing schedule on or before May 2, 2016. SO ORDERED. Signed by Judge Rudolph Contreras on 04/18/2016. (lcrc2) (Entered: 04/18/2016)   |
| 05/02/2016 | <u>20</u> | NOTICE by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Application for an Order Requiring the Return of Sealed Material)(Simon, Jeremy) (Entered: 05/02/2016)   |
| 05/02/2016 | <u>21</u> | Joint STATUS REPORT ( <i>Joint Proposed Schedule to Govern Briefing on Dispositive Motions</i> ) by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 05/02/2016)  |
| 05/02/2016 |           | SCHEDULING MINUTE ORDER: Upon consideration of <u>21</u> the Parties' Joint Proposed Schedule to Govern Briefing of Dispositive Motions, it is hereby ORDERED that Defendants shall file their motion for summary judgment on or before 30 days after the Eastern District of New York issues an order on Defendants' motion seeking the return of the DVD Defendants claim was released in error. It is FURTHER ORDERED that Plaintiff shall file his opposition and any cross-motion for summary judgment on or before 30 days after Defendants file their motion for summary judgment. It is FURTHER ORDERED that Defendant shall file their reply and opposition on or before 30 days after Plaintiff files his opposition and cross-motion. It is FURTHER ORDERED that Plaintiff shall file his reply on or before 30 days after Defendants file their reply and opposition. SO ORDERED. Signed by Judge Rudolph Contreras on 05/02/2016. (lcrc2) (Entered: 05/02/2016) |
| 04/25/2017 |           | MINUTE ORDER: It is hereby ORDERED that the parties shall meet, confer, and submit a joint status report on or before May 10, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 4/25/2017. (lcrc1) (Entered: 04/25/2017)  |
| 04/28/2017 |           | Set/Reset Deadlines: Status Report due by 5/10/2017 (tj) (Entered: 04/28/2017)   |
| 05/09/2017 | <u>22</u> | Joint STATUS REPORT <i>of the Parties</i> by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 05/09/2017)   |
| 09/15/2017 |           | Case directly reassigned to Judge Timothy J. Kelly. Judge Rudolph Contreras is no longer assigned to the case. (ztnr) (Entered: 09/15/2017)  |
| 10/17/2017 |           | MINUTE ORDER: It is hereby ORDERED that the parties shall meet, confer, and submit a joint status report on or before October 31, 2017. Signed by Judge Timothy J. Kelly on 10/17/2017. (lctjk1) (Entered: 10/17/2017)   |

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| 10/26/2017 | <u>23</u> | Joint STATUS REPORT <i>of the Parties</i> by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 10/26/2017)  |
| 01/12/2018 |           | MINUTE ORDER: It is hereby ORDERED that the parties shall meet, confer, and submit a joint status report on or before April 30, 2018. Signed by Judge Timothy J. Kelly on 1/12/2018. (lctjk3) (Entered: 01/12/2018)   |
| 01/16/2018 |           | Set/Reset Deadlines: Joint Status Report due by 4/30/2018. (kh) (Entered: 01/16/2018)   |
| 04/30/2018 | <u>24</u> | Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 04/30/2018)  |
| 05/01/2018 |           | MINUTE ORDER: It is hereby ORDERED that the parties shall meet, confer, and submit a joint status report on or before August 3, 2018. Signed by Judge Timothy J. Kelly on 5/1/2018. (lctjk3) (Entered: 05/01/2018)  |
| 05/01/2018 |           | Set/Reset Deadlines: Joint Status Report due by 8/3/2018. (kh) (Entered: 05/01/2018)  |
| 07/31/2018 | <u>25</u> | Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 07/31/2018)  |
| 08/01/2018 |           | MINUTE ORDER: It is hereby ORDERED that the parties shall meet, confer, and submit a joint status report on or before November 2, 2018. Signed by Judge Timothy J. Kelly on 8/1/2018. (lctjk3) (Entered: 08/01/2018)  |
| 08/23/2018 |           | MINUTE ORDER: "[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." <i>Hulley Enterprises Ltd. v. Russian Fed'n</i> , 211 F. Supp. 3d 269, 276 (D.D.C. 2016) (quoting <i>Landis v. N. Am. Co.</i> , 299 U.S. 248, 254 (1936)). In light of the briefing schedule in this case, which is linked to another district court's ruling on an outstanding motion, see ECF No. 25, it is hereby ORDERED that this case is stayed indefinitely. The stay shall not affect the duty of the parties to file dispositive motions in accordance with the Court's Minute Order of May 2, 2016, once that district court rules. Signed by Judge Timothy J. Kelly on 8/23/2018. (lctjk3) (Entered: 08/23/2018) |
| 11/21/2018 |           | MINUTE ORDER: Notwithstanding the fact that this case remains STAYED, it is hereby ORDERED that the parties shall file a joint status report on December 3, 2018, and every 90 days thereafter. Signed by Judge Timothy J. Kelly on 11/21/2018. (lctjk3) (Entered: 11/21/2018)  |
| 12/03/2018 | <u>26</u> | Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 12/03/2018)  |
| 03/04/2019 | <u>27</u> | Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 03/04/2019)  |
| 06/03/2019 | <u>28</u> | Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Simon, Jeremy) (Entered: 06/03/2019)  |